

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 27, 2003

DIVISION ONE

B158126 Sahab, et al. (Not for Publication)
v.
Ampco System Parking, et al.

The orders are affirmed, costs are awarded to respondents, respondents' requests for appellate attorneys' fees are granted, and the cause is remanded to the trial court with directions to determine (on noticed motions) the amounts of the appellate attorney fee awards.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B158733 Reed, Jr. (Not for Publication)
v.
Charles R. Drew University of Medicine & Science

The judgment is affirmed. The University is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B157708 DeWitt (Not for Publication)
v.
Tutor-Saliba Corporation, et al.

The judgment is affirmed. MTA and TSP are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B153433 Kohn (Not for Publication)

v.

LA County Superior Court

The judgment is reversed and the trial court is directed to enter a new and different judgment in favor of defendant. Defendant is to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

B161357 People (Not for Publication)

v.

Earnest Heckard

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B156430 People (Not for Publication)

v.

Christopher McMillan

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

DIVISION ONE (Continued)

B156572 People (Not for Publication)
v.
Joe John Baldwin

The judgment is modified to award defendant 68 days of presentence conduct credit rather than 67 days. The clerk of the court is directed to prepare a new abstract of judgment reflecting this modification and to forward it to the Department of Corrections. As modified, the judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B158449 People (Not for Publication)
v.
George Valdez

The judgment is affirmed, and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment to reflect 12 additional days of conduct credits and to forward the corrected abstract to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B159539 Becky B. (Not for Publication)
v.
In re Dareese B., a minor

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

March 27, 2003 (Continued)

DIVISION TWO

B154559 People (Not for Publication)
v.
Elam

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B155944 People (Not for Publication)
v.
Delgado

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B156348 Los Angeles County, D.C.S. (Not for Publication)
v.
Rafael R., et al.

The order terminating parental rights to the minors is reversed. The matter is remanded for an updated review hearing.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

March 27, 2003 (Continued)

DIVISION TWO (Continued)

B164397 Rayshell F. (Not for Publication)

$$\mathbf{V}_i$$

Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for writ of mandate is granted, and the order to show cause is discharged.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B160462 Donald Paul Warrick (Not for Publication)

$$\mathbf{V}_i$$

Superior Court, Los Angeles County
(City of Los Angeles Police Department, et al., r.p.i.)

The petition is denied. The alternative writ is discharged. The stay is dissolved.

Nott, Acting P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION THREE

B152496 People (Not for Publication)

 \mathbf{V}_i

Webb

The judgment is modified by striking the three Penal Code section 667.5, subdivision (b), enhancements based on case No. A023546, and by striking the Penal Code section 667.5, subdivision (b), enhancement based on case No. NA003358 and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

March 27, 2003 (Continued)

DIVISION THREE (Continued)

B156103 People v. Teague (Not for Publication)

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B151782 Michael Fernandez, et al. (Not for Publication)
v.
JR International Group, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B147288 Thomas Simpson, et al. (Not for Publication)
v.
Jr. International Group, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B150342 People
 v.
 Jose Pablo Hernandez, et al.

Filed order vacating submission order of December 30, 2002, due to the press of other court business and the complexity of the issues in this case. Cause resubmitted.

B150013 People
 v.
 Jose Guadalupe Caro, et al.

Filed order vacating submission order of December 11, 2002, due to the press of other court business and the complexity of the issues in this case. Cause resubmitted.

DIVISION FOUR

B154975 Wheatley (Not for Publication)
 v.
 McLaughlin

The judgment is reversed and the default is vacated. The matter is remanded for further proceedings in accordance with the views expressed in this opinion. Appellant is to recover costs on appeal.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B159296 People (Not for Publication)
 v.
 Heyman, Jr.

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

March 27, 2003 (Continued)

DIVISION FIVE

B160369 People (Not for Publication)

V.

Tracy Harris

The order is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Mosk, J.

B158875 People (Not for Publication)

V.

Francis Williamson

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Grignon, J.

B157601 People (Not for Publication)

V.

Gregory Dewayne Robertson

The appeal is dismissed.

Armstrong, J.

We concur: Turner, P.J.

Mosk, J.

DIVISION FIVE (Continued)

B160515 Los Angeles County, D.C.S. (Not for Publication)
v.
Alvaro G. et al

The August 2, 2002, order denying the section 388 petition is affirmed.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B161479 People (Not for Publication)
v.
Marlon Towns

The judgment is modified to reflect that defendant is to receive 119 days of presentence credits which includes 38 days of conduct credits. The clerk of the superior court is to prepare an amended abstract of judgment that reflects the modified presentence credits and forward it to the Department of Corrections. When preparing the amended abstract of judgment, the clerk of the superior court also is to indicate that a \$200 restitution fine pursuant to Penal Code section 1202.4, subdivision (b) was imposed. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B163769 People (Not for Publication)
v.
Peter Gregory Nelson

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

March 27, 2003 (Continued)

DIVISION FIVE (Continued)

B151252 The People (Certified for Publication)
v.
Douglas Weitzman, et al.

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

DIVISION SIX

B158205 People (Not for Publication)
v.
Copass

We reverse and remand for determination of the truth of the prior prison term allegation and for resentencing, but otherwise affirm. After resentencing, the trial court shall prepare an amended abstract of judgment and forward it to the Department of Corrections.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B161994 People (Not for Publication)
v.
Mary F.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (Continued)

B160623 Seymour, et al. (Not for Publication)
 v.
 La Braque, et al.

Accordingly, the judgment is affirmed. Costs to respondents.

Perren, J.

We concur: Yegan, Acting P.J.
 Coffee, J.

B156878 1200 Stellar Associates (Not for Publication)
 v.
 Channel Islands Equity, Ltd.

The judgment is affirmed. Respondents shall recover their costs on appeal. Respondents are also awarded reasonable attorney's fees on appeal, to be decided on noticed motion in the trial court.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B161067 People (Not for Publication)
 v.
 Thompson-Smith

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SEVEN

B150223 Hartford Fire Insurance Company (Not for Publication)
v.
Century Properties, Inc.

The judgment is affirmed. Hartford Fire Insurance Company is to recover its costs on appeal.

Perluss, P.J.

I concur: Woods, J.
I dissent: Johnson, J. (Opinion)

B148854 Co. Employees for Fair Retirement Plans (Not for Publication)
v.
Board of Retirement
The County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
 Johnson, J.

B151220 Okun, et al.
v.
La Societe de la Musique, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

Court convened at 9:07 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

DIVISION EIGHT (Continued)

Each of the following:

B156886 People v. Salas
B158688 Product Marketing Concepts et al. v. Streamline Shippers Assoc., et al.
B156294 Kahn v. Lasorda's Dugout, Inc.
B159458 DCFS v. Teresa R. and Jose R.
B163718 Muay Y. v. SCLA (DCFS)
B164354 Lisa K. v. SCLA (DCFS)

Argument waived, cause submitted.

B159822 Gutierrez
v.
All American Products

Merits:

Argued by Richard N. Grey for appellant and by Edward Morales for respondent. Cause submitted.

B155427 Brezinger, et al.
v.
Rosen, et al.

Merits:

Argued by Paul S. Zimmerman for appellants and by Norman Pine for respondents. Cause submitted.

B159638 Batt
v.
Workers Compensation Appeals Board
Grancell, Lebovitz, Stander, Marx & Barnes, et al.

Merits:

Argued by Mark J. Batt for petitioner and by Louis Harris for respondents. Cause submitted.

DIVISION EIGHT (Continued)

B155819 People
 v.
 Akins

Merits:

Argued by Christopher Darden for appellant and by Roy C. Preminger, Deputy Attorney General for respondent. Cause submitted.

B157431 Timmons
 v.
 Law Office Of Mark Weidmann

Appearances:

Keith R. Timmons, appellant in propria persona and there being no appearance by counsel for respondent. Argument waived, cause submitted.

B161242 Van Buren
 v.
 Jones
 Estate of Ruth I. Jones, Deceased.

Merits:

Argued by Alfred A. Calabro for appellant and by John Anthony Schmidt for respondent. Cause submitted.

B152846 Jitner
 v.
 Amiri, et al.,
 King, Weiser, Bazar & Jacobs and Donald Gralla

Merits:

Argued by Walter Jinter appellant in propria persona and by Donald Gralla and Harry Chamberlian, II for respondents. Cause submitted.

DIVISION EIGHT (Continued)

B155143 Water Replenishment District of Southern Calif.

v.

Southern Calif. Water Company et al.,

Tract 349 Mutual Water Company

Merits:

Argued by Robert Saperstein for appellants and by Edward Casey for respondents. Cause submitted.

B154584 Murphy, et al.

v.

BDO Seidman, et al.

Oral argument continued to April 29, 2003 at 1:00 p.m.

Court recessed at 11:18 a.m.

Court reconvened at 1:07 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

B159155 Staff Management; (Seaton Corp.)

v.

Workers Compensation Appeals Board

Blanco, Respondent

Appearances:

Joan M. Bird for petitioner and there being no appearance by counsel for respondent. Argument waived, cause submitted.

B159408 People

v.

Romero

Merits:

Argued by David H. Goodwin for appellant and by Jonathan J. Kline, Deputy Attorney General for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B161510 C.L.P.A., Inc.
v.
City Of Los Angeles,
Stein, et al.

Merits:

Argued by James L. Arnone for appellants Stein, et al., by Basia Jankowski, Deputy City Attorney for appellant City Of Los Angeles and by Douglas P. Carstens for respondent. Cause submitted.

B158076 Winger
v.
Mercury Insurance Company
Ahtky Ins. Brokers, et al.

Merits:

Argued by Scott D. Myer for appellant and by John V. Hager and R. Scott Johnson for respondents. Cause submitted.

B158127 Yamada
v.
John & Karen Van Deventer

Merits:

Argued by Maryann Gallagher for appellant and by Paul Schroeder for respondents. Cause submitted.

Court adjourned at 2:30 p.m.

B156886 People (Not for Publication)
v.
Salas

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

March 27, 2003 (Continued)

DIVISION EIGHT (Continued)

B157600 1-800 Contacts, Inc. (Certified for Publication)
 v.
 Steinberg

The order granting the motion to strike the complaint is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.